IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

**THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU**
&
**THE HONOURABLE MR. JUSTICE K.M.JOSEPH**

THURSDAY, THE 15TH NOVEMBER 2007 / 24TH KARTHIKA 1929

**WA.No. 931 of 2007**
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AGAINST THE JUDGEMENT IN WPC.27364/2006 Dated 12/02/2007

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**APPELLANT/PETITIONER:**
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AMMINI,
W/O.RAGHAVAN,
PUTHENPURKAL
CHALASSERIL HOUSE,
VARADOOR POST, WAYNAD.

**BY ADV. SMT.T.D.RAJALAKSHMI**

**RESPONDENTS/RESPONDENTS:**
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1. DISTRICT COLLECTOR,
WAYANAD,
COLLECTORATE, KALPETTA.

2. THE TAHSILDAR,
TALUK OFFICE,
VYTHIRI.

**BY SR. GOVERNMENT PLEADER (SMT. K. MEERA)**

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD

ON 15/11/2007, THE COURT ON THE SAME DAY DELIVERED

THE FOLLOWING:

**H.L. DATTU, CH. & K. M. JOSEPH, J.**

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**W.A. NO. 931 OF 2007**

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**Dated this the 15th November, 2007**

**JUDGMENT**

**H. L. DATTU, CJ.**

Admit. Heard the learned counsel for the petitioner and the learned Government Pleader appearing on behalf of the respondents.

2. Since the issue involved in the Writ Appeal lies in a narrow compass, by consent of both counsel, the matter is taken up for final hearing.

3. Questing the correctness or otherwise of the orders and directions issued by the learned Single Judge in W.P.(C). No.27364/06 dated 12.2.2007, the petitioner in the Writ Petition has presented this Writ Appeal.

4. In the Writ Petition filed, the petitioner had called in question the legality or otherwise of the orders passed by the District Collector, Wayanad, Kalpetta rejecting the application filed by the petitioner for grant of permission to remove the sand from the personal property which is in her possession.

5. The learned Single Judge disposed of the Writ Petition on the ground that if for any reason the petitioner is aggrieved by Ext.P5 order passed by the District Collector, she can avail the alternate remedies provided under the Kerala Minor Mineral Concession Rules, 1967.

6. Notice of the Writ Appeal was issued to the learned Government Pleader.

7. On instructions, learned Government Pleader would submit that since it was the order passed by the District Collector under the aforesaid provisions, petitioner does not have either a right of appeal or a right of

revision before any other statutory authorities.

8. In view of the aforesaid submission made by the Government Pleader, we are of the opinion that against the orders passed by the District Collector rejecting the application filed by the petitioner under the aforesaid provision, she does not have either a right of appeal or a revision either before the Land Revenue Commissioner or before the Secretary to Government. In that view of the matter, the order passed by the learned Single Judge cannot be sustained by us. Accordingly, the impugned order is set aside and the matter is remitted back to the learned Single Judge to decide the Writ Petition on merits.

Ordered accordingly.

**H. L. DATTU,**
**CHIEF JUSTICE**

**K. M. JOSEPH,**
**JUDGE**

kbk.